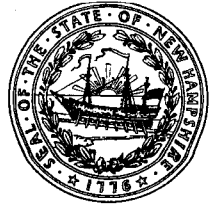




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY**

**#SP-2004-12**

September 28, 2004

David P Maynard  
328 S Main St  
Concord, NH 03301

RE: DES Wetlands File #2004-02157 Dustin Drive, Barnstead

Dear Mr. Maynard:

On September 10, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Barnstead Tax Map 35, Lot 7A, Dustin Drive, Barnstead, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a well-distributed stand of trees, saplings, shrubs and groundcovers had not been left in place.
2. Evidence was observed indicating that stumps located within 50 feet of the Locke Lake reference line had been removed.
3. The site had been cleared and soils were disturbed without erosion and siltation controls in place.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES.

The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline of Locke Lake. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
  - i. existing conditions,
  - ii. proposed conditions after restoration with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.
- d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 483-B:9,V(a)(2)(E) Prohibits the removal of stumps and their root systems located within 50 feet of a public water of the state. Env-C 611.06 (b) authorizes fines of up to \$3,000. per stump for this violation.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

**COPY**

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL # 7002 3150 0001 5411 0794

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit—  
Barnstead Conservation Commission  
Barnstead Board of Selectmen  
US Army Corps of Engineers